IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 617 of 2006

Rajeev Khanna S/o Late Shambhunath Khanna
R/o E-50 Durgesh Colony
Surendra Nagar
Aligarh, District Aligarh (U.P.) ....Applicant

Vs

1. State of Uttaranchal
2. Mohan Lal Gulati
   S/o Shri Mulakh Raj Gulati
   R/o H. No. 9-10 Mohalla Kila Khatriyan
   Kashipur
   District Udham Singh Nagar ....Respondents

Sri Ramji Srivastava, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant – Rajeev Khanna for quashing the chargesheet as well as entire proceedings in Criminal Case No. 1008 of 2006 State Vs Rajeev Khanna under Sections 498(A), 323, 504, 506 I.P.C. pending in the court of Judicial Magistrate, Kashipur, District Udham Singh Nagar.

2. Brief facts of the case are that a First Information Report was lodged against the petitioner by the respondent No. 2 – Mohan Lal Gulati on 21.09.2005 under Section 498-A, 498(A), 323, 504, 506 of I.P.C. After lodging of the First Information Report the police investigated the matter and submitted the chargesheet against the petitioner on 05.12.2005 under the aforesaid sections.

3. After having perused the evidence on record and hearing learned counsel for the parties, learned Magistrate

summoned the petitioner under the aforesaid sections to face the trial.

4. Heard Sri Ramji Srivastave, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

5. Having considered the arguments advanced by the learned counsel for the petitioner, I am of the view that there is no abuse of process of court.

6. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

7. I don't find any merit in the case and the petition liable to be dismissed.

8. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

03.08.2006
ASWAL